



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,110	10/21/2003	Mario Wanninger	5367-46	5357

7590 08/25/2005  
COHEN, PONTANI, LIEBERMAN & PAVANE  
Suite 1210  
551 Fifth Avenue  
New York, NY 10176

EXAMINER

RUDE, TIMOTHY L

ART UNIT	PAPER NUMBER
----------	--------------

2883

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/690,110

Applicant(s)

WANNINGER, MARIO

Examiner

Timothy L. Rude

Art Unit

2883

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 20040702.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of Species A in the reply filed on 31 May 2005 is acknowledged.

Claim 5 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 31 May 2005.

### *Claims*

2. Claims 11-14 are added. Please note claim 10 was not complete in the most recent submittal of claims, since the claim is listed as "original", the original claim will be examined. Please ensure accuracy of future claim listings.

### *Claim Rejections - 35 USC § 102*

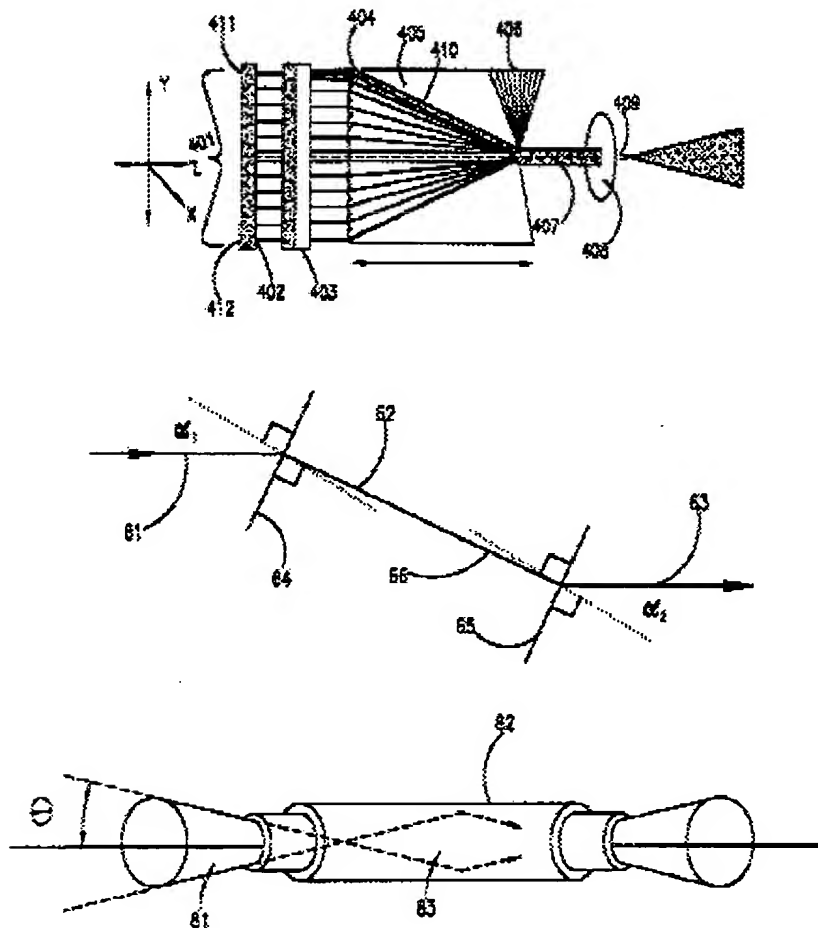
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 6, 9, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Neuberger et al (Neuberger) USPAT 6,005,717.

As to claims 1, Neuberger discloses a coupling-in device for light from a plurality of light sources into an optical waveguide (1), wherein the coupling-in device has a plurality of focussing optics (5) for the light from the various light sources (8) [abstract, entire patent].



As to claim 2, Neuberger discloses the coupling-in device as claimed in claim 1, wherein a focussing optic (5) is formed for each light source (8).

As to claim 3, Neuberger discloses the coupling-in device as claimed in claim 1, wherein the optical waveguide has a coupling-in area (3), which is likewise formed in focussing fashion.

As to claim 4, Neuberger discloses the coupling-in device as claimed in claim 1, wherein the geometry of the coupling-in area (3) and the arrangement of the focussing optics (5) are co-ordinated with the respective light source (8) and the diameter of the optical waveguide (1) [inherent to perform properly, please note co-ordinated does not ensure perfect co-ordination].

As to claim 6, Neuberger discloses the coupling-in device as claimed in claim 4, wherein the focussing optics (5) are spaced apart from the coupling-in area (3).

As to claim 9, Neuberger discloses the coupling-in device as claimed in claim 1, wherein LEDs [laser diodes, Abstract] arranged directly on the focussing optics (5) are used as light sources (8).

As to claim 10, Neuberger discloses the coupling-in device as claimed in claim 1, wherein the geometry of the coupling-in device and the arrangement of the light sources (8) are co-ordinated with one another in such a way as to minimize the losses occurring between emission of the light and entry into the actual optical waveguide (1) [inherent to

perform properly, please note co-ordinated does not ensure perfect co-ordination and minimize does not ensure total minimization].

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7-8, 11, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neuberger, as applied to claims above, in view of Ullman et al (Ullman) USPAT 6,771,686 B1.

As to claims 7-8, 11, and 14, Neuberger discloses the coupling-in device as claimed in claim 4.

Neuberger does not explicitly disclose a device wherein the focussing optics (5) and the coupling-in area (3) are produced in one piece.

Ullman teaches that correction optics may be formed in a number of ways to include one piece or monolithically [col. 2, lines 40-52] to eliminate nonconformities to thereby improve focus quality.

Ullman is evidence that workers of ordinary skill in the art would find the reason, suggestion, or motivation to add one piece or monolithically formed optical compensation unit to eliminate nonconformities to thereby improve focus quality.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Neuberger with a one piece or monolithically formed optical compensation unit of Ullman to eliminate nonconformities to thereby improve focus quality.

Please note that examiner considers the teaching of Ullman to render the following recitations wherein said coupling-in device is produced from transparent plastic in an injection moulding method (claim 8), wherein the coupling-in device is provided with a stem (claim 11), and wherein the diameter of the stem corresponds to the diameter of an optical waveguide which is attached to the stem obvious to one of ordinary skill in the art given the teaching to form the optics monolithically, e.g., clear plastic injection molded with stem to mate with fiber optic.

5. Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neuberger, as applied to claim 1 above, in view of Tulip USPAT 5,386,431.

As to claims 12-13. Neuberger discloses the coupling-in device as claimed in claim 1.

Neuberger does not explicitly disclose a device wherein the coupling-in area and/or focusing optics are arranged in circle-like fashion and wherein the coupling-in area and/or focusing optics are arranged around the end of the stem.

Tulip teaches that the laser array may be a cylindrical array [Applicant's around the end of the stem; col. 9, lines 1-17] to achieve a co-phasal laser array with high power [col. 1, line 40 through col. 2, line 8].

Tulip is evidence that workers of ordinary skill in the art would find the reason, suggestion, or motivation to add coupling-in area and/or focusing optics are arranged in circle-like fashion and wherein the coupling-in area and/or focusing optics are arranged around the end of the stem to achieve a co-phasal laser array with high power.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Neuberger with the coupling-in area and/or focusing optics are arranged in circle-like fashion and wherein the coupling-in area and/or focusing optics are arranged around the end of the stem of Tulip to achieve a co-phasal laser array with high power.

### ***Conclusion***

References cited but not applied are relevant to the instant Application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy L. Rude whose telephone number is (571) 272-2301. The examiner can normally be reached on Mon-Thurs.



Art Unit: 2883

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on (571) 272-2415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



tlr

Timothy L Rude  
Examiner  
Art Unit 2883



Frank G. Font  
Supervisory Patent Examiner  
Technology Center 2800